

Message Text

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ACTION AID-59

INFO OCT-01 IO-13 ISO-00 CU-02 AF-10 ARA-06 EA-07
EUR-12 NEA-10 OIC-02 SP-02 L-03 H-01 /128 W
-----222037Z 079663 /44

P R 221822Z APR 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 2051
INFO USMISSION USUN
USMISSION GENEVA
AMEMBASSY CANBERRA

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NESCO/AIDAC

E.O. 11652: N/A
TAGS: UN, ECOSOC, AORG, OCON, UNESCO
SUBJECT: UNESCO ACCEPTANCE OF NEW JOINT INSPECTION UNIT
STATUTE.

REF.: (A) STATE 85490, (B) STATE 83056, (C) STATE 82520,
(D) STATE 82815/1, (E) PARIS 8907.

1. INCLUDE AID/PPC/IA/UN IN DISTRIBUTION.
2. APPRECIATE GOOD BACKGROUND MATERIAL PROVIDED IN
REFERENCED CABLES.
3. SPECIAL COMMITTEE OF UNESCO'S 102ND EXECUTIVE
BOARD WAS ASSIGNED ACTION FOR AGENDA ITEM 3.2.1. STUDY
BY EXECUTIVE BOARD OF NEW JIU STATUTE. SPECIAL COMMIT-
TEE CONSIDERED ITEM DURING WEEK OF APRIL 18.
4. SPECIAL COMMITTEE REPORT WHICH WILL INCLUDE DRAFT
RESOLUTION RE JIU STATUTES WILL BE CONSIDERED BY RE-
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CONVENED SPECIAL COMMITTEE DURING WEEK OF APRIL 25.
SPECIAL COMMITTEE REPORT WILL COME BEFORE EXECUTIVE
BOARD MAY 10 FOR FINAL ACTION BY BOARD.

5. LENGTHY AND COMPLEX DEBATE OCCURRED ON JIU AND ITS
NEW STATUTE. SECRETARIAT RATHER BEMUSED FEELING (LED
BY DDG, LEGAL ADVISOR AND INSPECTOR GENERAL'S OFFICE)

REGARDING NEW JIU STATUTE IS THAT EXECUTIVE BOARD CAN NEITHER ACCEPT NOR REJECT NEW STATUTE. SECRETARIAT FEELS EXECUTIVE BOARD CANNOT APPROVE STATUTE SINCE CONSTITUTION AND RULES OF PROCEDURE OF GENERAL CONFERENCE ALLOW ONLY GENERAL CONFERENCE ITSELF TO ESTABLISH SUBSIDIARY BODIES, HENCE ONLY THE 20TH GENERAL CONFERENCE CAN APPROVE STATUTE SINCE STATUTE PROVIDES THAT JIU BECOMES SUBSIDIARY ORGAN OF LEGISLATIVE BODY OF THOSE ORGANIZATIONS WHICH APPROVE STATUTE. HOWEVER, SECRETARIAT FEELS THAT EXECUTIVE BOARD CANNOT REJECT STATUTE BECAUSE 19TH GENERAL CONFERENCE DECISION 41.1 AUTHORIZED CONFIRMED COOPERATION OF UNESCO WITH JIU AND ASKED EXECUTIVE BOARD TO TAKE APPROPRIATE MEASURES TO INSURE THAT UNESCO WILL BENEFIT FROM THE OPERATIONS OF JIU.

6. SECRETARIAT HAS COME UP WITH A TYPICAL UNESCO TYPE SOLUTION WHICH IT FLOATED AT SPECIAL COMMITTEE MEETING AND HAS BEEN LOBBYING FOR WITH AMENABLE BOARD MEMBERS. SECRETARIAT PROPOSAL IS THAT UNESCO GO BACK TO UN GENERAL ASSEMBLY TO GET THEM TO CHANGE THEIR DECISION IN ORDER TO ALLOW UNESCO TO HAVE RELATIONS WITH JIU UNDER TERMS OF OLD STATUTE UNTIL SUCH TIME AS UNESCO'S GENERAL CONFERENCE DECIDED IF AND UNDER WHAT TERMS IT WANTED TO COLLABORATE WITH JIU.

7. SECRETARIAT, AND ITS AMENABLE BOARD MEMBERS FEEL THAT THIS WOULD GET UNESCO OFF THE HOOK BY PUTTING THE BALL BACK TO THE UNGA. IF THE UNGA DID NOT LIMITED OFFICIAL USE

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APPROVE AN EXCEPTION FOR UNESCO BEFORE THE OLD STATUTES RUN OUT IN DECEMBER 1977, THEN THE BLAME WOULD BE ON UNGA AND NOT UNESCO FOR A LAPSE IN UNESCO RELATIONS WITH JIU STARTING JANUARY 1, 1978.

8. THERE IS MUCH SUPPORT ON BOARD FOR SECRETARIAT PROPOSAL. TWELVE SPEAKERS TOOK THE FLOOR DURING DEBATE. FIVE WERE IN FAVOR OF NEW STATUTE, WITH PRAGMATIC ACCEPTANCE TO BE WORKED OUT SOMEHOW. THESE WERE U.S. (LEADING PROPONENT), PHILIPPINES, BELGIUM, ITALY, AND UPPER VOLTA. TWO WERE IN FAVOR OF ACCEPTANCE OF NEW STATUTE IN PRINCIPLE, BUT HAD DIFFICULTY WITH VARIOUS PROVISIONS, AND ESPECIALLY NOTION OF JIU BECOMING SUBSIDIARY BODY OF GENERAL CONFERENCE. THESE WERE FRG AND IRAN. TWO WERE IN FAVOR OF CONTINUING UNDER THE OLD JIU STATUTE. THESE WERE PANAMA AND IVORY COAST, ALTHOUGH PANAMA ALSO WOULD BE WILLING TO SEE PARTICIPATION ENDED WITH JIU. THREE WANTED TO TAKE THIS OPPORTUNITY TO END RELATIONS

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WITH JIU. THESE WERE AUSTRALIA (LEADING OPPONENT),
USSR AND ECUADOR.

9. PHILPS OF AUSTRALIA TOOK THE LEAD IN EARLY
HIGHLY EMOTIONAL INTERVENTION IN DEBATE TO CONDEMN,
EXTERNAL EVALUATION IN GENERAL, JIU IN PARTICULAR, AND
TO ARGUE VOCIFEROUSLY AGAINST ADOPTION OF NEW JIU
STATUTE. PHILPS FOUND NEW STATUTE A FRIGHTENING DOCU-
MENT. FEELS IT CREATES A QUOTE GESTAPO UNQUOTE UNIT
WITHIN UN SYSTEM. GIVES EXCESSIVE POWERS TO SMALL
GROUP OF FAC ELESS AND NAMELESS MEN RESPONSIBLE
TO NO ONE. PUTS JIU IN POSITION OF POWER OVER GOVERN-
ING BODIES. FINDS NEW JIU A THREAT TO AUTONOMY OF
UNESCO. FINDS JIU THREATENING TO FUNCTIONS OF EXECU-
TIVE BOARD. FINDS JIU IMPINGES ON AUTHORITY OF SECRE-
TARIAT. PHILPS ENDED BY SAYING HE WOULD RECOMMEND TO
HIS GOVERNMENT THAT THEY SUPPORT REMOVING UNESCO FROM
CLUTCHES OF JIU. FYI. SLEEPER SPOKE WITH PHILPS RE-
MINDING HIM THAT AUSTRALIA HAD COSPONSORED NEW JIU
STATUTES AT UNGA AND ASKED IF THIS MEANT THAT
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AUSTRALIA HAD REVERSED ITS STAND ON JIU. PHILPS SAID THAT HE WAS SERVING ON BOARD IN HIS PERSONAL CAPACITY AND WAS REFLECTING HIS OWN DISLIKE AND DISTRUST OF JIU AND EXTERNAL EVALUATION WITHIN UN SYSTEM. END FYI.

10. US IS TRYING TO KEEP DOOR OPEN FOR APPROVAL OF NEW STATUTES ON INTERIM OR PROVISIONAL BASIS. HOWEVER, VIGOROUS OPPOSITION OF PHILPS AND LEGALISTIC ARGUMENTS OF SECRETARIAT MAY BE TENDING TO SWING SEVERAL MEMBERS TO SECRETARIAT POSITION OF UNESCO ASKING UNGA TO LET UNESCO CONTINUE UNDER OLD STATUTE. FYI. OTHER FEATURES OF OLD STATUTE THAT APPEALS TO SECRETARIAT ARE THAT JIU HAS FINITE LIFESPAN, WHICH MUST BE RENEWED PERIODICALLY, JIU REPORTS TO SECRETARIAT RATHER THAN TO GOVERNING BODIES, AND HEADS OF AGENCIES HAVE MAJOR INFLUENCE ON SHAPING WORK PROGRAM AND SCHEDULE OF JIU. END FYI.

11. US HAS PROPOSED THAT DG COMMUNICATION TO SECRETARY GENERAL POINT OUT UNESCO'S CONSTITUTIONAL DIFFICULTIES IN ACCEPTING NEW STATUTES, DECLAR INTENTION AND DESIRE TO COLLABORATE, AND PROPOSE TWO ALTERNATIVES TO ASSURE CONTINUED UNESCO PARTICIPATION FOR UNESCO WITH JIU. ONE ALTERNATIVE WOULD BE FOR UNGA TO ALLOW UNESCO TO CONTINUE TO COOPERATE WITH JIU UNDER OLD STATUTE UNTIL UNESCO'S 20TH GC COULD CONSIDER AND APPROVE NEW STATUTE. SECOND ALTERNATIVE WOULD BE FOR UNGA TO GO ALONG WITH A PROVISIONAL ACCEPTANCE BY UNESCO OF NEW STATUTE, SUBJECT TO SOLE EXCEPTION THAT JIU WOULD NOT BECOME A SUBSIDIARY ORGAN OF GENERAL CONFERENCE UNTIL APPROVED BY THE 20TH G.C.

12. THIS PROPOSAL AND SUGGESTED LANGUAGE GIVEN SECRETARIAT STAFF WHO ARE DRAFTING REPORT OF SPECIAL COMMITTEE. HOWEVER, WE DO NOT KNOW IF IT WILL BE INCORPORATED IN DRAFT REPORTS. IF IT IS NOT IN THE DRAFT REPORT, WE CAN TRY TO GET IT INCLUDED WHEN SPECIAL COMMITTEE APPROVES ITS REPORT. IF THAT FAILS, THEN NEXT POINT OF ENTRY WOULD BE TO GET IT INSERTED DURING PLENARY SESSION OF EXECUTIVE BOARD WHICH RECEIVES AND ACTS ON SPECIAL COMMITTEE REPORT.

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Message Attributes

Automatic Decaptioning: X
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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